

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORACLE AMERICA, INC.,

No. C 10-03561 WHA

Plaintiff,

v.

GOOGLE INC.,

**ORDER RE GOOGLE'S
SEVENTH MOTION
IN LIMINE**

Defendant.

On February 8, an order set forth a procedure limiting the parties to six motions *in limine* to be heard before opening statements (without prejudice to more as the trial progresses) and set a page limit for those motions as follows (Dkt. No. 1488):

For hearing and determination prior to the opening statements, each party shall file no more than six motions *in limine*, each no more than ten pages and in total no more than fifty pages. The opposing party may have the same number of total pages in opposition. . . . Any motions to strike expert reports or *Daubert* motions must be brought as motions *in limine* subject to the above limitations, except in extraordinary circumstances and with advance permission.

On February 16, a further order provided “[w]ith regard to the timing of motions *in limine*, please use the thirty-five day schedule” and permitted each side to submit one motion of the six in excess of the ten-page limit (Dkt. No. 1506).


On February 18, an order approved a stipulation modifying several deadlines relating to expert reports including extending the deadline motions related to the Rule 706 expert by one week (Dkt. No. 1509).

1 The Court is perplexed as to how Google's attorneys could have possibly thought the
2 extension of the deadline for motions related to the Rule 706 expert authorized a seventh motion
3 *in limine*. The limitations regarding motions *in limine* plainly included motions regarding the
4 Rule 706 expert. Moreover, what did Google think the page limit was for any seventh motion?

5 Google has placed us all in an unreasonable position, and in the Court's judgment the
6 fairest solution is to remove Google's third and fifth motions *in limine* from the pretrial
7 conference calendar without prejudice to consideration after the opening statements. This still
8 leaves Google with the benefit of six pages in excess of the fifty-page limit and with two
9 motions in excess of ten pages, but nothing can now be done about that in equity.

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11 **IT IS SO ORDERED.**

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13 Dated: March 31, 2016.

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16 WILLIAM ALSUP
17 UNITED STATES DISTRICT JUDGE
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